

Union Calendar No. 217

104TH CONGRESS  
1ST Session

**H. R. 2726**

[Report No. 104-444]

**A BILL**

To make certain technical corrections in laws relating to Native Americans, and for other purposes.

DECEMBER 30 (legislative day, DECEMBER 22), 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 1995

Mr. GALLEGLY introduced the following bill; which was referred to the  
Committee on Resources

DECEMBER 30 (legislative day, DECEMBER 22), 1995

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on December 6, 1995]

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## A BILL

To make certain technical corrections in laws relating to  
Native Americans, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CORRECTION TO POKAGON RESTORATION ACT.**

2       Section 9 of the Act entitled “An Act to restore Federal  
3 services to the Pokagon Band of Potawatomi Indians” (25  
4 U.S.C. 1300j–7a) is amended—

5           (1) by striking “Bands” each place it appears  
6 and inserting “Band”;

7           (2) in subsection (a), by striking “respective”;  
8 and

9           (3) in subsection (b)—

10               (A) in paragraph (1)—

11                   (i) in the first sentence—

12                       (I) by striking “membership rolls  
13 that contain” and inserting “a mem-  
14 bership roll that contains”; and

15                       (II) by striking “in such” and in-  
16 serting “in the”; and

17                   (ii) in the second sentence, by striking  
18 “Each such” and inserting “The”;

19               (B) in paragraph (2)—

20                   (i) by striking “rolls have” and insert-  
21 ing “roll has”; and

22                   (ii) by striking “such rolls” and insert-  
23 ing “such roll”;

24               (C) in the heading for paragraph (3), by  
25 striking “ROLLS” and inserting “ROLL”; and

1                   (D) in paragraph (3), by striking “rolls are  
2                   maintained” and inserting “roll is maintained”.

3   **SEC. 2. CORRECTION TO ODAWA AND OTTAWA RESTORA-**  
4                   **TION ACT.**

5           (a) *REAFFIRMATION OF RIGHTS.*—The heading of sec-  
6   tion 5(b) of the Little Traverse Bay Bands of Odawa Indi-  
7   ans and the Little River Band of Ottawa Indians Act (25  
8   U.S.C. 1300k–3) is amended by striking “TRIBE” and in-  
9   serting “BANDS”.

10          (b) *MEMBERSHIP LIST.*—Section 9 of the Little Tra-  
11   verse Bay Bands of Odawa and the Little River Band of  
12   Ottawa Indians Act (25 U.S.C. 1300k–7) is amended—

13               (1) in subsection (a)—

14                   (A) by striking “Band” the first place it  
15                   appears and inserting “Bands”; and

16                   (B) by striking “the Band.” and inserting  
17                   “the respective Bands.”; and

18               (2) in subsection (b)(1)—

19                   (A) in the first sentence, by striking “the  
20                   Band shall submit to the Secretary membership  
21                   rolls that contain the names of all individuals el-  
22                   igible for membership in such Band” and insert-  
23                   ing “each of the Bands shall submit to the Sec-  
24                   retary a membership roll that contains the

1           names of all individuals that are eligible for  
2           membership in such Band”; and

3                   (B) in the second sentence, by striking “The  
4           Band, in consultation” and inserting “Each  
5           such Band, in consultation”.

6   **SEC. 3. INDIAN DAMS SAFETY ACT OF 1994.**

7           Section 4(h) of the Indian Dams Safety Act of 1994  
8   (25 U.S.C. 3803(h); 108 Stat. 1562) is amended by striking  
9   “(under the Indian Self-Determination and Education As-  
10   sistance Act (25 U.S.C. 450b(e))), as amended,” and insert-  
11   ing “under the Indian Self-Determination and Education  
12   Assistance Act (25 U.S.C. 450 et seq.)”.

13   **SEC. 4. PASCUA YAQUI INDIANS OF ARIZONA.**

14          Section 4(b) of the Act entitled “An Act to provide for  
15   the extension of certain Federal benefits, services, and as-  
16   sistance to the Pascua Yaqui Indians of Arizona, and for  
17   other purposes” (25 U.S.C. 1300f–3(b)) is amended by  
18   striking “Pascua Yaqui tribe” and inserting “Pascua Yaqui  
19   Tribe”.

20   **SEC. 5. INDIAN LANDS OPEN DUMP CLEANUP ACT OF 1994.**

21          Section 3(7) of the Indian Lands Open Dump Cleanup  
22   Act of 1994 (25 U.S.C. 3902(7); 108 Stat. 4165) is amended  
23   by striking “under section 6944 of the Solid Waste Disposal  
24   Act (42 U.S.C. 6941 et seq.)” and inserting “under section  
25   4004 of the Solid Waste Disposal Act (42 U.S.C. 6944)”.

1 **SEC. 6. AMERICAN INDIAN TRUST FUND MANAGEMENT RE-**  
 2 **FORM ACT OF 1994.**

3 (a) MAINTENANCE OF RECORDS.—Section  
 4 303(c)(5)(D) of the American Indian Trust Fund Manage-  
 5 ment Reform Act of 1994 (25 U.S.C. 4043(c)(5)(D); 108  
 6 Stat. 4247) is amended by striking “made under paragraph  
 7 (3)(B)” and inserting “made under subparagraph (C)”.

8 (b) ADVISORY BOARD.—Section 306(d) of the Indian  
 9 Trust Fund Management Reform Act of 1994 (25 U.S.C.  
 10 4046(d); 108 Stat. 4249) is amended by striking “Advisory  
 11 Board” and inserting “advisory board”.

12 **SEC. 7. INDIAN SELF-DETERMINATION CONTRACT REFORM**  
 13 **ACT OF 1994.**

14 Section 102(11) of the Indian Self-Determination Con-  
 15 tract Reform Act of 1994 (108 Stat. 4254) is amended by  
 16 striking “subsection (e)” and inserting “subsection (e) of  
 17 section 105”.

18 **SEC. 8. AUBURN INDIAN RESTORATION.**

19 (a) ECONOMIC DEVELOPMENT.—Section 203 of the  
 20 Auburn Indian Restoration Act (25 U.S.C. 1300l–1) is  
 21 amended—

22 (1) in subsection (a)(2), by striking “as provided  
 23 in section 107” and inserting “as provided in section  
 24 207”; and

25 (2) in subsection (b), by striking “section 104”  
 26 and inserting “section 204”.

1       (b) *INTERIM GOVERNMENT.*—*The last sentence of sec-*  
 2       *tion 206 of the Auburn Indian Restoration Act (25 U.S.C.*  
 3       *1300l–4) is amended by striking “Interim council” and in-*  
 4       *serting “Interim Council”.*

5       **SEC. 9. CROW BOUNDARY SETTLEMENT ACT OF 1994.**

6       (a) *ENFORCEMENT.*—*Section 5(b)(3) of the Crow*  
 7       *Boundary Settlement Act of 1994 (25 U.S.C. 1776c(B)(3);*  
 8       *108 Stat. 4636) is amended by striking “provisions of sub-*  
 9       *section (b)” and inserting “provisions of this subsection”.*

10       (b) *APPLICABILITY.*—*Section 9(a) of the Crow Bound-*  
 11       *ary Settlement Act of 1994 (25 U.S.C. 1776g(a); 108 Stat.*  
 12       *4640) is amended by striking “The Act” and inserting*  
 13       *“This Act”.*

14       (c) *ESCROW FUNDS.*—*Section 10(b) of the Crow*  
 15       *Boundary Settlement Act of 1994 (25 U.S.C. 1776h(b); 108*  
 16       *Stat. 4641) is amended by striking “(collectively referred*  
 17       *to in this subsection as the ‘Suspension Accounts’)” and in-*  
 18       *serting “(collectively referred to in this section as the ‘Sus-*  
 19       *pension Accounts’)”.*

20       **SEC. 10. TLINGIT AND HAIDA STATUS CLARIFICATION ACT.**

21       *The first sentence of section 205 of the Tlingit and*  
 22       *Haida Status Clarification Act (25 U.S.C. 1215) is amend-*  
 23       *ed by striking “Indian tribes” and inserting “Indian*  
 24       *Tribes”.*

1 **SEC. 11. NATIVE AMERICAN LANGUAGES ACT.**

2 *Section 103 of the Native American Languages Act (25*  
 3 *U.S.C. 2902) is amended—*

4 *(1) in paragraph (2), by striking “under section*  
 5 *5351(4) of the Indian Education Act of 1988 (25*  
 6 *U.S.C. 2651(4))” and inserting “under section*  
 7 *9161(4) of the Improving America’s Schools Act of*  
 8 *1994 (20 U.S.C. 7881(4))”; and*

9 *(2) in paragraph (3), by striking “section 4009*  
 10 *of Public Law 100–297 (20 U.S.C. 4909)” and insert-*  
 11 *ing “section 9212(1) of the Improving America’s*  
 12 *Schools Act of 1994 (20 U.S.C. 7912(1))”.*

13 **SEC. 12. PONCA RESTORATION ACT.**

14 *Section 5 of the Ponca Restoration Act (25 U.S.C.*  
 15 *983c) is amended—*

16 *(1) by inserting “Sarpy, Burt, Platte, Stanton,*  
 17 *Holt, Hall, Wayne,” before “Knox”; and*

18 *(2) by striking “or Charles Mix County” and in-*  
 19 *serting “, Woodbury or Pottawattomie Counties of*  
 20 *Iowa, or Charles Mix County”.*

21 **SEC. 13. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS**  
 22 **SETTLEMENT ACT OF 1994.**

23 *Section 112(b) of the Yavapai-Prescott Indian Tribe*  
 24 *Water Rights Settlement Act of 1994 (108 Stat. 4532) is*  
 25 *amended by striking “December 31, 1995” and inserting*  
 26 *“June 30, 1996”.*



1 **SEC. 14. REVOCATION OF CHARTER OF INCORPORATION OF**  
 2 **THE MINNESOTA CHIPPEWA TRIBE UNDER**  
 3 **THE INDIAN REORGANIZATION ACT.**

4 *The request of the Minnesota Chippewa Tribe to sur-*  
 5 *render the charter of incorporation issued to that tribe on*  
 6 *September 17, 1937, pursuant to section 17 of the Act of*  
 7 *June 18, 1934, commonly known as the “Indian Reorga-*  
 8 *nization Act” (48 Stat. 988, chapter 576; 25 U.S.C. 477)*  
 9 *is hereby accepted and that charter of incorporation is here-*  
 10 *by revoked.*

11 **SEC. 15. ADVISORY COUNCIL ON CALIFORNIA INDIAN POL-**  
 12 **ICY ACT OF 1992.**

13 *Section 5(6) of the Advisory Council on California In-*  
 14 *dian Policy Act of 1992 (106 Stat. 2133; 25 U.S.C. 651*  
 15 *note) is amended by striking “18 months” and inserting*  
 16 *“36 months”.*

17 **SEC. 16. SAN CARLOS APACHE TRIBE WATER RIGHTS SET-**  
 18 **TLEMENT ACT OF 1992.**

19 *Section 3711(b)(1) of the San Carlos Apache Tribe*  
 20 *Water Rights Settlement Act of 1992 (title XXXVII of Pub-*  
 21 *lic Law 102–575; 25 U.S.C. 390 note) is amended by strik-*  
 22 *ing “December 31, 1995” and inserting “December 31,*  
 23 *1996”.*

1 **SEC. 17. IN-LIEU FISHING SITE TRANSFER AUTHORITY.**

2       Section 401 of Public Law 100–581 (102 Stat. 2944–  
3 2945) is amended by adding at the end the following new  
4 subsection:

5       “(g) The Secretary of the Army is authorized to trans-  
6 fer funds to the Department of the Interior to be used for  
7 purposes of the continued operation and maintenance of  
8 sites improved or developed under this section.”.

9 **SEC. 18. ADOLESCENT TRANSITIONAL LIVING FACILITY.**

10       Notwithstanding any other provision of law, any funds  
11 that were provided to the Ponca Indian Tribe of Nebraska  
12 for any of the fiscal years 1992 through 1995, and that were  
13 retained by that Indian tribe, pursuant to a self-determina-  
14 tion contract with the Secretary of Health and Human  
15 Services that the Indian tribe entered into under section  
16 102 of the Indian Self-Determination and Education As-  
17 sistance Act (25 U.S.C. 450f) to carry out programs and  
18 functions of the Indian Health Service may be used by that  
19 Indian tribe to acquire, develop, and maintain a transi-  
20 tional living facility for adolescents, including land for that  
21 facility.

22 **SEC. 19. EXPENDITURE OF MESCALERO APACHE TRIBE**  
23 **JUDGMENT FUNDS.**

24       Notwithstanding any other provision of law, or any  
25 distribution plan approved pursuant to the Indian Tribal  
26 Judgment Funds Use or Distribution Act (25 U.S.C. 1401

1 *et seq.*), the Secretary of the Interior may reprogram, in  
 2 accordance with the Resolutions, approved by the Mescalero  
 3 Apache Tribal Council on January 24, 1995, any and all  
 4 remaining funds (principal and interest accounts) regard-  
 5 ing specific changes in the Secretarial Plans for the use of  
 6 the funds in Docket Nos. 22-G, 30, 48, 30-A, and 48-A,  
 7 awarded in satisfaction of the judgments by the Indian  
 8 Claims Commission.

9 **SEC. 20. ESTABLISHMENT OF A BAND ROLL.**

10 Section 5(d)(2) of the Lac Vieux Desert Band of Lake  
 11 Superior Chippewa Indians Act (25 U.S.C. 1300h-3(d)(2);  
 12 102 Stat. 1578) is amended—

13 (1) by inserting “and base roll” after “require-  
 14 ment”; and

15 (2) by striking “modification is” and inserting  
 16 “modifications are”.

17 **SEC. 21. OPTION TO INCORPORATE SELF-DETERMINATION**  
 18 **PROVISIONS INTO SELF-GOVERNANCE.**

19 Section 403 of the Indian Self-Determination and  
 20 Education Assistance Act (25 U.S.C. 458cc) is amended by  
 21 adding the following new subsection:

22 “(l) **INCORPORATE SELF-DETERMINATION PROVI-**  
 23 **SIONS.**—At the option of a participating tribe or tribes, any  
 24 or all provisions of title I of this Act shall be made part  
 25 of an agreement entered into under title III of this Act or

1 *this title. The Secretary is obligated to include such provi-*  
2 *sions at the option of the participating tribe or tribes. If*  
3 *such provision is incorporated it shall have the same force*  
4 *and effect as if set out in full in title III or this title.”.*